

CHAPTER 6 CONTRACTS FOR PROFESSIONAL SERVICES

751—6.1(17A,8D) Contract policy.

6.1(1) All professional services contracts with the commission shall be awarded on a competitive basis to the maximum practical extent. All contracts shall be in written form and receive approval of the executive director or the commission's designee or the commission where required by statute or rule of commission.

6.1(2) Exceptions for compliance with federal rules and guidelines. Whenever adherence to these contracting procedures would result in the loss of federal aid for any public improvement project or professional services project, the applicable rules or guidelines shall be followed to the extent necessary to qualify for the federal funds.

751—6.2(17A,8D) Contracts for professional services.

6.2(1) Professional services defined. The term "professional services" shall include planning, design, architectural, engineering, land surveying, land appraising, consulting, legal in conformance with Iowa Code section 13.7, auditing, information systems implementation, telecommunications services, rates and tariffs services management review services or other professional services as needed.

6.2(2) Notification of professional firms or individuals. The commission shall keep a record of professional firms and individuals desirous of providing services and shall encourage from time to time the submission of letters detailing a firm's or individual's capabilities.

6.2(3) If a contract is estimated to cost more than \$25,000, firms or individuals shall be invited to notify the commission of their interest in and capabilities for providing the service. Such firms or individuals shall be informed by an advertisement in at least one newspaper of statewide circulation, one newspaper published in the county seat of the county in which the work is to be done, and such other means as may be appropriate. Where work is to be done under the contract in more than three counties, the requirement of publication in the county seat shall not be required as long as other means of notice to bidders is given, as in trade journals or other such means. At least one of said advertisements shall be not less than 15 days prior to the date set by the commission for the preliminary review of said documents. Based upon this information, the commission may select a group of at least five firms or individuals, unless fewer than that number have indicated interest, who shall be invited to submit proposals for the performance of the desired service.

In explaining their capabilities, firms or individuals are encouraged to provide information relative to the number, qualifications, and experience of their professional and technical staff; their performance records for timeliness, quality, and project management; their geographical location; and any specialized expertise which may be appropriate.

751—6.3(17A,8D) Selection of firm or individual.

6.3(1) For any contract for professional services estimated to cost less than \$5,000, the commission may select a firm or individual and negotiate a professional services contract. The division director(s) shall prepare a memorandum for the project file stating the reasons why that particular firm or individual was selected. However, quotations may be solicited if it is in the best interest of the state.

6.3(2) For contracts estimated to cost from \$5,000 to \$25,000 at least three firms or individuals who appear to be qualified shall be invited to submit proposals for the performance of the desired service unless fewer than that number have indicated the availability, capability or willingness to perform the desired service.

6.3(3) When a project requiring professional services is divided into several phases, the selection of a professional firm or individual for the first project phase may be accomplished in the manner prescribed for the cost estimate relating to the entire project. The contract cost for subsequent phases may be established by negotiation. The proposals shall also contain an hourly estimate of professional services. These fees and associated costs shall be submitted as directed by the commission.

6.3(4) Upon the acceptance of a proposal by the executive director or the commission's designee or the commission, if required by statute, the total estimated cost shall become the maximum contract cost which shall not be increased, except to the extent that a contract amendment increases the objectives and scope of services or projects that are unrelated but identical in nature. The proposals submitted for those contracts over \$10,000 shall be reviewed, and members of the firms or individuals may be interviewed by a selection committee established by the executive director or the commission's designee. This committee shall evaluate each proposal relative to the following criteria listed here in no particular order of importance:

- a. Sufficiency of professional and technical staff to meet the project schedule and work requirements.
- b. Performance records for timeliness, quality and project management.
- c. Geographical location.
- d. Specialized expertise.
- e. Proposed method of accomplishing the desired service.
- f. Total estimated cost.
- g. Total estimated life cycle costs, if appropriate.

After evaluating the proposals, the committee shall submit a written recommendation to the executive director or the commission's designee.

6.3(5) The executive director or the commission's designee may authorize the negotiation of a contract without solicitation of quotations or advertising for proposals if the service is to be provided by another governmental entity or educational institution or nonprofit corporation, or if the service is of a specialized nature where only one firm or individual can reasonably provide the service, or where delay for solicitation of quotations or advertising for proposals might reasonably be expected to result in serious loss or injury to the state.

751—6.4(17A,8D) Approval and award of contracts.

6.4(1) *Contract approval.* All contracts for professional services in excess of \$25,000 shall be approved by the executive director or the commission if required by statute. Contracts less than \$25,000 shall be approved by the executive director.

6.4(2) *Contract award.* The contract shall be awarded to the firm or individual whose bid or proposal is believed to be the most advantageous to the state. Bids or proposals may be rejected if they do not appear to be reasonable or if there is reason to believe that the firm or individual is not sufficiently qualified to accomplish the desired work or service. An appeal of an award of a professional services contract shall be governed by the rules contained in 751—Chapter 5.

6.4(3) *Change orders and extra work orders.* All change orders and extra work orders shall be approved by the executive director before the work or service is performed, except in emergency situations, or where such approval would result in unreasonable delay. In addition, any order or accumulation of orders which increases the amount of the original contract by more than \$25,000 or 10 percent of the original contract, whichever is greater, shall also be approved by the commission, if required by statute.

751—6.5(8D) Emergency response. The executive director shall have the authority to contract with firms and individuals without advertising for bids or solicitation of quotations to repair and restore the network to an operable condition where time is insufficient to allow for advertising for bids or solicitation of quotations in order to prevent further injury to the network.

751—6.6(8D) Vendor appeals. Any appeal from a contract awarded pursuant to this chapter shall be governed by the vendor appeal rules contained in 751—Chapter 5.

These rules are intended to implement Iowa Code sections 8D.3(3) “b” and 8D.11.

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